

ORDERED.

Dated: January 08, 2016


Karen S. Jennemann
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION
www.flmb.uscourts.gov

In re)	
)	
ORLANDO GATEWAY PARTNERS,)	Case No. 6:15-bk-03448-KSJ
LLC,)	Chapter 11
)	
Debtor.)	
_____)	
ORLANDO GATEWAY PARTNERS,)	
LLC,)	
)	
Plaintiff,)	
vs.)	Adversary No. 6:15-ap-00084-KSJ
)	
GOOD GATEWAY, LLC, NILHAN)	
FINANCIAL, LLC, SEG GATEWAY,)	
LLC,)	
)	
Defendants.)	
_____)	

SUPPLEMENT¹ TO ORDER GRANTING MOTION TO TAX COSTS

Chittranjan K. Thakkar and NCT Systems, Inc. appeal this Court's Order granting Good Gateway, LLC's and SEG Gateway, LLC's Motion to Tax Costs.² This Motion came for hearing on

¹ The Court retains jurisdiction to issue supplemental written findings of fact and conclusions of law to further explain the Court's prior ruling pursuant to *In re Mosley*, 494 F.3d 1320 (11th Cir. 2007).

² The Order was entered on December 22, 2015 (Doc. No. 139). The Notice of Appeal is Docket Number 171.

October 8, 2015 and October 13, 2015.³ No party opposed the motion either before the State Court or the Bankruptcy Court.⁴

To aid the District Court in its review, I will try to provide a short background. The Motion to Tax Costs⁵ originally was filed in litigation between the Debtors, Nilhan Hospitality, LLC, and Orlando Gateway Partners, LLC and others on March 2, 2015.⁶ The complex case involved several related entities, people, and respective interests in those entities, many controlled by Appellant Chittranjan K. Thakkar.⁷ The crux of the dispute stemmed from the ownership of a valuable piece of real property by the Orlando International Airport.⁸ The State Court entered a substantial judgment exceeding \$17 million against Mr. Thakkar and many of his entities after a multi-day jury trial.⁹ The underlying State Court judgment is now on appeal before the Fifth District Court of Appeal.¹⁰

Debtors then filed Chapter 11 voluntary petitions on April 20, 2015.¹¹ All pending matters in the State Court action were removed to this Court with all parties' consent on July 10, 2015.¹² The two

³ The relevant Hearing Proceeding Memos are located at Doc. Nos. 115, 123, and 135. This specific Motion took only a small portion of the two day evidentiary hearing on other pending disputes, primarily Good Gateway, LLC's and SEG Gateway, LLC's request for attorney's fees and costs pursuant to several Florida State Court orders awarding fees for discovery abuse and as sanctions.

⁴ Doc. Nos. 115, 123, and 135.

⁵ The Motion to Tax Costs is located at Doc. No. 63-5.

⁶ Case. No. 2010-CA-015315-O in the Ninth Judicial Circuit Court in and for Orange County, Florida. The parties litigated this case for several years. The jury returned the verdicts on July 16, 2014.

⁷ A copy of the state court complaint is located at Doc. No. 6, Exhs. 1 and 2, Pages 197-222.

⁸ *Id.*

⁹ Good Gateway, LLC brought claims for breach of fiduciary duty, tortious interference, civil conspiracy, conversion, and constructive fraud. The Appellants and the Debtors were found liable on those claims. SEG Gateway, LLC brought claims for breach of contract and breach of operating agreement against Orlando Gateway Partners, LLC, and the jury returned a verdict finding liability on those claims. SEG Gateway, LLC also brought claims for breach of fiduciary duty, tortious interference, civil conspiracy, conversion, and constructive fraud. The Appellants and the Debtors were found liable on most of those claims. Copies of the verdicts and related judgments are located at Doc. No. 14, Exh. 15, Page Nos. 12115-12148.

¹⁰ The appellate case numbers are 14-3962 and 14-3964.

¹¹ Main Case No. 6:15-bk-03448-KSJ, Orlando Gateway Partners, LLC and Main Case No. 6:15-bk-03447-KSJ, Nilhan Hospitality, LLC.

¹² Orlando Gateway Partners, LLC filed a Notice of Removal on July 10, 2015. Doc. No. 1. The State Court Action Documents were filed on July 17, 2015. Doc. Nos. 7, 8, 9, 10, 11, 12, 13, 14, 15. Good Gateway, LLC filed additional State Court documents on September 4, 2015. Doc. No. 63. The Court notes that the parties have not filed all pleadings filed in the State Court.

removed and separate adversary proceedings pending for each Debtor were consolidated into one adversary proceeding on August 26, 2015.¹³

One motion transferred in the removal process was the instant Motion to Tax Costs. The Court held a hearing on this and other motions on October 8, 2015 and October 13, 2015. *No party* opposed Good Gateway, LLC's and SEG Gateway, LLC's Motion to Tax Costs.¹⁴ All parties were represented by counsel.¹⁵ Later, a presumably consent order was presented for review. This Court, based upon a review of the pleadings and on the representation of all parties that there were no objections to the Motion, granted the uncontested Motion. On January 5, 2016, this appeal was filed, perhaps to preserve an objection until the Fifth District Court of Appeal resolves the underlying appeal on the multi-million dollar judgments. In any event, I wanted to save the District Court time by supplying this additional information to assist in their review.

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The Clerk is directed to serve a copy of this Supplement to Order Granting Motion to Tax Costs on all interested parties.

¹³ Doc. No. 56.

¹⁴ Doc. Nos. 115, 123, and 135.

¹⁵ Doc. Nos. 115, 123, and 135.